

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:18-cr-00026-11

ROSWELL TEMPEST LOWRY,

Defendant.

**ORDER**

On January 27, 2020, the Defendant in this matter entered a plea of guilty in a separate action, Criminal Action No. 2:19-cr-00274-01 *United States v. Roswell Tempest Lowry*. The Defendant entered the aforesaid plea pursuant to a plea agreement containing a provision for the dismissal of Criminal Action No. 5:18-cr-00026-11 if the plea in Criminal Action No. 2:19-cr-00274-01 is accepted.

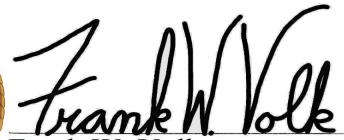
WHEREFORE, the Court **FINDS** that a continuance of the previously scheduled trial date in this matter is appropriate, and further **FINDS** that the ends of justice served by granting a continuance outweigh the interest of the public and the Defendant in a speedy trial. Accordingly, the Court hereby **ORDERS** that the trial date scheduled on February 24, 2020 in this matter is **CONTINUED** as to this Defendant. Lastly, the Court **FINDS** that the time between February 24, 2020, and the time necessary in Criminal Action No. 2:19-cr-00274-01 to either accept or reject the proposed plea agreement and, if accepted, the time necessary for entry of judgment therein, is

excludable from the computation of time within which trial must commence, pursuant to 18 U.S.C. §§ 3161(h)(1)(G) and 3161(h)(7)(A).

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: January 28, 2020



  
Frank W. Volk  
United States District Judge